

Forest, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <b>APR 27 2012</b>
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MICHAEL QUINN, : 12 CV 2423 (KBF)

Plaintiff, :

:

-against- :

STIPULATION AND ORDER TO AMEND

COMPLAINT AND WITHDRAW MOTION TO STRIKE

ELI S. JACOBS, :

Defendant. :

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WHEREAS, On April 23, 2012, Defendant Eli. S. Jacobs filed a Motion to Strike Immaterial and Impertinent Matter from the Complaint (the "Motion"); and


WHEREAS, Plaintiff has consented to amend the Complaint to strike the allegations and exhibit that are the subject of the Motion, and Defendant has agreed to withdraw the Motion without prejudice upon the filing of such amended complaint;

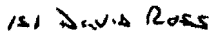
NOW THEREFORE, the undersigned counsel for Plaintiff and Defendant hereby stipulate and agree that: (a) no later than noon on Friday, April 27, 2012, Plaintiff will file an amended complaint in the above-captioned matter deleting paragraphs 12, 42, 43 and 44 of the Complaint, and deleting Exhibit 1 to such Complaint (the "Amended Complaint"); (b) Defendant shall have until May 16, 2012 to answer, move or otherwise respond to the Amended Complaint, <sup>and</sup> and (c) ~~immediately following the filing of the Amended Complaint, the Motion shall be~~ <sup>(KBF)</sup> ~~withdrawn without prejudice.~~ It is further stipulated and agreed that electronic signatures of counsel on this stipulation and order will be deemed to be original signatures.

Dated: New York, New York  
April 26, 2012

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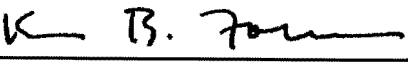
  
\_\_\_\_\_  
By: Steven G. Eckhaus

  
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By: David E. Ross

Attorneys for Plaintiff

Attorneys for Defendant

**SO ORDERED:**

  
\_\_\_\_\_  
Hon. Katherine B. Forrest, U.S.D.J.

Dated: 4/27/12

*The Clerk of the Court is directed to terminate  
Dkt. No. 5.*